

Your Business and Workers' Compensation

Business Permits/Licenses/Contracts and the Workers' Compensation Law

Sections 57 and 220 Subd. 8 of the Workers' Compensation Law requires the heads of all municipal and state entities to ensure that businesses applying for permits, licenses or contracts have appropriate workers' compensation and disability benefits insurance coverage. This requirement applies to both original issuances and renewals, and also applies whether the governmental agency is having the work done or is simply issuing the permit, license or contract.

The Workers' Compensation Board is working to make it as easy as possible for businesses, their insurance carriers, municipalities and state agencies to comply with the law. Accordingly, we have streamlined the process so that government entities only have to check on compensation and disability insurance coverages once annually for businesses awarded contracts, licenses or permits.

Ensuring that businesses, receiving permits, licenses or contracts from municipal and state agencies, comply with the Workers' Compensation Law protects both injured workers and employers. In addition, such oversight helps to level the playing field, by strictly enforcing the requirement that all businesses maintain mandatory insurance coverages. Municipal and state agency cooperation in enforcing Sections 57 and 220 Subd. 8 of the Workers' Compensation Law is a critical component of encouraging business compliance.

Section 57 — Restriction on Issue of Permits and the Entering of Contracts Unless Compensation Is Secured

Section 57 of the Workers' Compensation Law requires the heads of all state and municipal entities, prior to issuing any permits, licenses or entering into contracts, to ensure that businesses have appropriate workers' compensation insurance coverage.

To comply with coverage provisions of the Workers' Compensation Law, businesses must:

- be legally exempt from obtaining workers' compensation insurance coverage;
- obtain such coverage from insurance carriers; or
- be self-insured.

To assist state and municipal entities in enforcing Section 57 of the Workers' Compensation Law, businesses requesting permits, licenses or seeking to enter into contracts must provide ONE of the following forms to the entity issuing the permit or entering into a contract:

- **WC/DB-100 — Affidavit For New York Entities With No Employees And Certain Out Of State Entities, That New York State Workers' Compensation And/Or Disability Benefits Insurance Coverage Is Not Required; OR**
- C-105.2 — Certificate of Workers' Compensation Insurance (the business' insurance carrier will send this form to the government entity upon request) Please Note: The State Insurance Fund provides its own version of this form, the U-26.3; OR
- SI-12 — Certificate of Worker's Compensation Self-Insurance (the business calls the Board's Self-Insurance Office at 518-402-0247), OR GSI-12 — Certificate of Group Worker's Compensation Self-Insurance (the business' Group Self-Insurance Administrator will send this form to the government entity upon request).

(Please note: ACORD forms are NOT acceptable proof of **New York State** workers' compensation coverage!)

Businesses that are unsure as to whether they are required to obtain a New York State workers' compensation insurance policy should call the Workers' Compensation Board's Enforcement Unit in the nearest district office:

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| Albany — (518) 486-3349 | Manhattan — ((212) 932-7576 |
| Binghamton — (607) 721-8333 | Peekskill — (914) 788-5804 |
| Brooklyn — (718) 802-6870 | Queens — (718) 523-8409 |
| Buffalo — (716) 842-2057 | Rochester — (585) 238-8335 |
| Hauppauge — (631) 952-6698 | Syracuse — (315) 423-1140 |
| Hempstead — (516) 560-7742 | |

How a Business Requests a SI-12 Form or a GSI-12 Form

Businesses should call the Workers' Compensation Board's Self-Insurance Office to obtain a SI-12 —Certificate of Worker's Compensation Self-Insurance at (518) 402-0247 or contact their Group Self-Insurance Administrator for a copy of the GSI-105.2 — Certificate of Group Workers' Compensation Self-Insurance.

Please call the Bureau of Compliance at (518) 486-6307 with any general questions regarding Section 57 of the Workers' Compensation Law.

Section 220 Subd. 8 — Restriction on Issue of Permits and the Entering of Contracts Unless Disability Benefits Is Secured

Section 220 Subd. 8 of the Disability Benefits Law requires the heads of all state and municipal entities, prior to issuing any permits, licenses or entering into

contracts, to ensure that businesses applying for those permits, licenses or entering into contracts have appropriate disability benefits insurance coverage.

To comply with coverage provisions of the Disability Benefits Law, businesses may:

- be legally exempt from obtaining workers' compensation insurance coverage;
- obtain such coverage from insurance carriers; or
- be self-insured.

Accordingly, to assist state and municipal entities in enforcing Section 220 Subd. 8 of the Disability Benefits Law, businesses requesting permits or seeking to enter into contracts must provide ONE of the following forms to the entity issuing the permit or entering into a contract:

- **WC/DB-100 — Affidavit For New York Entities With No Employees And Certain Out Of State Entities, That New York State Workers' Compensation And/Or Disability Benefits Insurance Coverage Is Not Required**; OR
- DB-120.1 — Certificate of Disability Benefits Insurance; OR
- DB-155 — Certificate of Disability Benefits Self-Insurance.

How a Business Requests a DB-155 Form

Businesses should call the Workers' Compensation Board's Self-Insurance Office at (518) 402-0247 to obtain a DB-155 form — Certificate of Disability Benefits Self-Insurance.

Please call the Bureau of Compliance at (518) 486-6307 with any general questions regarding Section 220 Subd. 8 of the Disability Benefits Law.

Out-of-State Companies Working in NYS - Business Permits/Licenses/Contracts and the Workers' Compensation Law

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